THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.23697 OF 2005

Dated:21.07.2006

Between:

T.Ananda Rao.

... PETITIONER

And:

The Registrar of Cooperative Societies, and others.

...**RESPONDENTS**

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.23697 OF 2005

ORDER:

The only grievance of the petitioner is that the elected President of Fishermen Cooperative Society, Nadigadda, died on 20.10.2005 during the subsistence of the elected period, therefore, according to the petitioner, the Vice President ought to have been automatically elected as a President under Section 32(3) of the Andhra Pradesh Cooperative Societies Act, 1964 (for short "the Act"). Instead of adopting the said course of action, the respondents have conducted elections on 07.11.2005, and the same is not permissible under law.

Learned Government Pleader for Cooperation, appearing for the respondents submits that in view of the death of the original President, who died on 20.10.2005, under Section 22 of the Act, the Managing Committee of the Society met and elected one Devara Chinna Varadaiah, as President of the Society.

Be that as it may, even the election of the said Varadaiah can be challenged by way of filing an election petition under Section 61(3) of

the Act. Instead of availing the effective alternative remedy available under the Act, the petitioner has ventured to file this writ petition on the ground that the person who notified the election is not a proper authority and he has no power to do so. Even this aspect also can be gone into in the election petition.

Therefore, the writ petition is dismissed, however, giving liberty to the petitioner to file an election petition before the appropriate forum, within a period of four weeks from the date of receipt of a copy of this order, and work out his remedies. If any such election petition is filed within the above period, the appropriate forum shall entertain the same without raising any objection as to limitation and decide the same on its own merits. No order as to costs.

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21.07.2006

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